

Amendments to the Drawings:

In FIG. 3, add reference number 16 to each of the lines connecting boxes 10a to 4a, 4a to 4b, and 4b to 10b as shown in the attached Replacement Sheet.

REMARKS

Drawing Objections

The drawings are objected to for not including reference 34c mentioned in the description, for including reference 120 not mentioned in the description, and for not including label 16 in FIG.3. Applicant has added reference 120 to the description at page 13, line 10, and has added reference 16 to FIG. 3, as suggested. Applicant notes that reference 34c is in FIG. 3 as filed, in the lower right portion of FIG. 3, to the right of the phrase “Strip Label List (128). Applicant respectfully asserts that the claims comply with 37 CFR 1.84.

Specification Objections

The specification is objected to for various typographical issues. Applicant has amended the specification as suggested by the Examiner.

Claims

Claims 1, 3-12, and 14-26 stand rejected under 35 USC 101 as claiming the same invention as claims 1-24 of U.S. Patent No. 6,738,354 (the ‘354 patent). Applicant respectfully asserts that these claims are patentable in view of the ‘354 patent.

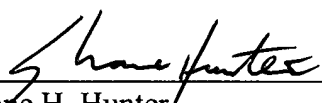
Independent claims 1, 12, and 22 have been amended such that they do not claim the same invention as that claimed in the ‘354 patent. “A reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent.” MPEP 804((II)(A) (citation omitted). Claims 1, 12, and 22 could be literally infringed without literally infringing a corresponding claim in the ‘354 patent. For example, claims 1, 12, and 22 each recite an initial label availability indication while claims in the ‘354 patent recite a label list having one or more label identifiers, such that claims 1, 12, and 22 could be infringed by a method using an indication of label availability not comprising a label list having one or more label identifiers. Thus, these claims may be infringed without infringing a claim of the ‘354 patent, and thus do not claim the same invention as that claimed in the ‘354 patent. For at least these reasons, claims 1, 3-12, and 14-26 are patentable in view of the ‘354 patent.

Claims 27-28 have been added. These claims do not add new matter and are believed to be in condition for allowance.

Conclusion

This application is believed to be in allowable condition, and a notice to that effect is respectfully requested. The Examiner is invited to call the Attorney at the number provided below with any questions.

Respectfully submitted,



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